IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5695 OF 2004

Khaleel Mohammed Kasim Saheb Dandu .. Petitioner

V/s

The Dean, Dr. V.M. Medical College & General Hospital, Solapur & Anr. .. Respondents

Mr.S.G. Kudle for the petitioner.

Mr.C.R. Sonawane, A.G.P. for respondent No.2.

CORAM : H.L. GOKHALE &
R.S. MOHITE, JJ.

DATE : 13TH DECEMBER 2004

P.C. :

1. Heard Mr.Kudle for the petitioner. Mr.Sonawane, A.G.P. appears for respondent No.2.

2. The grievance of the petitioner is that under the earlier orders passed by the Maharashtra Administrative Tribunal, he was to be reinstated and that order was not carried out properly. He was working as a substitute clerk on 29 days basis. He, therefore, filed a contempt petition bearing No.102 of 2003 making a grievance that the above referred order dated 15th December 1998 passed by the Administrative Tribunal directing reinstatement and payment of back wages was not being complied with. The matter was heard by a learned Single Judge. It was represented to the learned

Single Judge that the petitioner was to be paid the back wages during the intervening period, i.e. 1st February 1994 till his reinstatement on 23rd December 1998, and that during this period he was paid only for 32 months which amount came to Rs.78,766/-. A grievance was made that the period was larger and the payment for 32 months was not justified. The learned Single Judge granted a liberty to the respondents to move the Administrative Tribunal for clarification on that behalf.

3. As far as the grievance with respect to reinstatement is concerned, the learned Single Judge allowed the contempt petition to be withdrawn with liberty to the petitioner to adopt appropriate proceedings.

4. It appears that in pursuance to this order passed on 4th August 2003, the respondents moved the Administrative Tribunal by filing Misc. Application No.317 of 2003. The respondents explained to the Tribunal that since the petitioner was a badli employee, what one has to consider is as to what was the period when a badli employee was required to be appointed. In para 4 of the order passed by the Tribunal on the misc. application on 30th January 2004, it is recorded that during this period of 1st March 1994 to 23rd November

1998 the contingency to appoint another badli employee arose only for a period of 32/33 months. During this period, contingency appointment was given to another clerk and, therefore, the Tribunal did not find anything wrong on the part of the respondents to make the payment to the petitioner for this period of 32/33 months.

5. Mr.Kudle makes a grievance that the order passed by the Tribunal is not correct. However, he accepts that no counter was filed by the petitioner to the stand taken by the respondents before the Tribunal. This being the position, we do not find any error on the part of the Tribunal in the view that it has taken.

6. As far as the prayer for reinstatement is concerned, the learned Single Judge, when he passed his earlier referred order on 4th August 2003, granted liberty to the petitioner to adopt appropriate proceedings. It is for him to take those steps. No reason to interfere into the order passed by the Tribunal. Petition is dismissed.

(H.L. GOKHALE, J.)

(R.S. MOHITE, J.)